

This record is a partial extract of the original cable. The full text of the original cable is not available.

S E C R E T SECTION 01 OF 02 COLOMBO 000291

SIPDIS

STATE FOR SA, SA/INS AND S/WCI  
SECDEF FOR SOL/LIC ASD O'CONNELL  
NSC FOR DORMANDY

E.O. 12958: DECL: 02/07/2015

TAGS: [PTER](#) [KAWC](#) [PREL](#) [PINS](#) [MV](#)

SUBJECT: MALDIVIAN GOVERNMENT RESPONSE ON THE RETURN OF  
GUANTANAMO DETAINEE IBRAHIM FOWZY TO MALDIVES

REF: (A) 04 COLOMBO 2023 (B) 04 STATE 264536 (C) 04  
COLOMBO 1853 (D) 04 COLOMBO 1696 (E) 04  
COLOMBO 1572 (F) 04 COLOMBO 883

Classified By: AMBASSADOR JEFFREY J. LUNSTEAD FOR REASON 1.5 (D).

11. (S) In late January, the Embassy received the following diplomatic note from the Government of the Republic of Maldives (GoRM), building on their preliminary response contained in Ref A, in response to our diplomatic note, drawing from Ref B, which laid out the USG view regarding the return of Mr. Ibrahim Fowzy (aka Fouzee, Fauzee or Fauzy) to Maldives:

Begin text

Reference: (C) EA-US/B/05/01

The Ministry of Foreign Affairs of the Republic of Maldives presents its compliments to the Embassy of the United States of America to the Republic of Maldives and, with reference to the Embassy's note no. 087, dated 13 December 2004, regarding Mr. Ibrahim Fauzee who is currently in detention in Guantanamo Bay, Cuba, has the honour to inform the Embassy that the Government of Maldives welcomes the decision by the Government of the United States of America to transfer Mr. Ibrahim Fauzee to the care and control of the Government of Maldives, and confirms that he would be treated in accordance with the laws and international obligations of the Maldives, once transferred.

The Ministry also has the honour to inform the Embassy that, while the Maldives strongly supports the war against terrorism led by the United States, some of the measures requested for in the Embassy's referred note can only be taken by the Government of Maldives once Mr. Fauzee has been charged in a competent court of law and found guilty of a crime that authorizes such action. Therefore, the Ministry requests the Embassy to either transfer Mr. Fauzee to the care of the Government of Maldives along with substantial evidence to try him in a competent court of law in the Maldives, or try him in the United States and if convicted, have him transferred to the Maldives to serve his sentence.

The Ministry has the further honour to inform the Embassy that the Government of Maldives strongly wishes Mr. Fauzee to be released unconditionally should the evidence against him prove to be insufficient to warrant a trial in a competent court of law, or is tried and acquitted.

The Ministry of Foreign Affairs of the Republic of Maldives avails itself of this opportunity to renew to the Embassy of the United States of America to the Republic of Maldives the assurances of its highest consideration.

Male', 13 January 2005

End text

12. (S) On February 3, during a trip to Maldives, the DCM had a lengthy discussion with Maldivian Attorney General Hassan Saeed about Mr. Fowzy's return. Hassan told the DCM that it was important to remember that the political climate in Maldives is changing in a positive direction. As part of that, greater accountability and respect for the law is expected from the security services which would make it impossible for Mr. Fowzy to be detained or put under house arrest upon his return unless, as stated in the GoRM note in para one, the U.S. has tried and convicted Mr. Fowzy in some sort of judicial proceeding before his return or the U.S. gives the GoRM sufficient evidence to justify trying Mr. Fowzy after his return to Maldives. Absent either of those, Mr. Fowzy would be a free man once he got home. Moreover, there would be no legal basis under Maldivian law to require Fowzy to check in with the police or the security services on a regular basis.

13. (S) The DCM reviewed for Hassan U.S. concerns about monitoring of returned Guantanamo detainees which stem from the fact that a number of former detainees have again taken

up arms against the U.S. after their returns to Pakistan or Afghanistan. In light of that, the U.S. would need some sort of assurance that an eye would be kept on Mr. Fowzy after his return so the U.S. would be aware immediately if there were any indication that Mr. Fowzy planned to engage in activities detrimental to the U.S.

14. (S) Hassan said he understood these concerns completely and underscored that Maldives, a moderate Muslim country, had no interest in seeing Mr. Fowzy engage in "radical" activities either. Thus, Hassan said, his government would place Mr. Fowzy on a watchlist which would alert the GoRM if he tried to leave the country and would share Fowzy's travel plans with the U.S. Second, the GoRM would facilitate meetings between U.S. officials and Mr. Fowzy in Maldives, if the U.S. ever felt the need to interview Mr. Fowzy in the future. "We wouldn't drag him into an interrogation room against his will but I'm sure we could persuade him he should cooperate with you." Finally, Hassan told the DCM, the combination of the effectiveness of the Maldivian security services and the archipelagic nature of the country would ensure that "we would keep a very close watch on his activities. The last thing we want is him causing trouble here."

15. (S) Comment. The Attorney General is right. Maldives is in the midst of a political transformation towards greater democracy and greater governmental respect for individual rights, trends which the United States has encouraged. In that context, it seems to us that we have the basis of a mutually-satisfactory deal for Fowzy's return. He would be allowed to resume his life but the GoRM would keep tabs on Fowzy, let us know about travel abroad and help us talk to him if need be in the future. This seems suitable to us and we would urge Washington to begin plans to return Mr. Fowzy to Maldives. It is important that we remove this bilateral irritant with Maldives, a moderate (tsunami-wracked) Muslim country well-disposed to the U.S. and supportive in the GWOT, with no further delay. End Comment.

LUNSTEAD